

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**JESSICA COHON, through her mother/next friend
Stevie Bass,**

Plaintiff,

vs.

No. CIV-08-1115 LAM/RHS

**STATE OF NEW MEXICO DEPARTMENT
OF HEALTH, et al.,**

Defendants.

FINAL JUDGMENT

THIS MATTER comes before the Court on *Defendants' Motion to Dismiss Plaintiff's Claim for Declaratory/Injunctive Relief and Memorandum in Support (Doc. 33)* and *Defendant Lovelace Community Health Plan's Motion to Dismiss (Doc. 35)*. The Court, having dismissed Plaintiff's claims for declaratory and injunctive relief under the due process and equal protection clauses of the United States and New Mexico Constitutions, the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act against all Defendants (*see Order Granting State Defendants' Motion to Dismiss Plaintiff's Claims for Declaratory/Injunctive Relief (Doc. 43)* and *Order Granting Lovelace Community Health Plan's Motion to Dismiss (Doc. 44)*), finds that Final Judgment should, and will be, entered against Plaintiff on these claims. In addition, having dismissed Plaintiff's administrative agency appeal claims against Defendant Lovelace Community Health Plan (*see Order Granting Lovelace Community Health Plan's Motion to Dismiss (Doc. 44)*), the Court finds that Final Judgment should, and will be, entered against Plaintiff on her

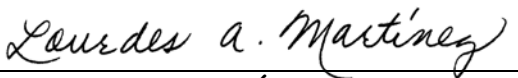
administrative agency appeal claims against Defendant Lovelace Community Health Plan. This Final Judgment adjudicates all existing federal claims and liabilities of the parties. This case, and all state claims, if any, against all Defendants, are remanded to the First Judicial District Court, County of Santa Fe, State of New Mexico for further proceedings regarding the remaining state claims.

IT IS HEREBY ORDERED that Final Judgment is entered in favor of all Defendants, and against Plaintiff, on all claims for declaratory and injunctive relief under the due process and equal protection clauses of the United States and New Mexico Constitutions, the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act, and all these claims are **DISMISSED with prejudice**.

IT IS FURTHER ORDERED that Final Judgment is entered in favor of Defendant Lovelace Community Health Plan, and against Plaintiff, on Plaintiff's administrative agency appeal claims, and those claims are **DISMISSED with prejudice**.

IT IS FURTHER ORDERED that this case, the administrative agency appeal, and all remaining state claims, if any, are remanded to the First Judicial District Court, County of Santa Fe, State of New Mexico.

IT IS SO ORDERED.



LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE
Presiding by Consent